

## STILLWATER COUNTY COMMISSIONERS MINUTES

**Notice:** These minutes reflect the proceedings of the Board of County Commissioners. The official minutes are on file with the Clerk and Recorder (MCA 7-4-2611(2)(b)).

### REGULAR MEETING APRIL 19, 2016

- Present:** Commissioners Dennis Shupak, Chair; Maureen Davey and Gerald W. Dell, Members; Lori Dobitz, Administrative Assistant. Others Present: John Beaudry, Stillwater Mining Company; Monica Plecker, CTA/Planning; and Rick Hanners, Stillwater County News.
- Open Meeting:** Commissioner Dell opened the meeting at 9:00 am with the pledge to the flag.
- Minutes Approval:** Commissioner Davey **MOVED** to approve the minutes of the Public Hearings of April 5 and April 12, 2016. Commissioner Dell **SECONDED**. Motion passed unanimously.
- Claims:** Commissioner Dell **MOVED** to approve Claim Checks No. 94879 through 95065 in the amount of \$ 149,715.14 for the first half of April 2016. Commissioner Davey **SECONDED**. Motion passed unanimously.
- Special Issues:** Stillwater River Road Rockslide: Commission Dell reported a posting has been placed on the county website explaining what took place April 4-6, 2016, and an email went out to those residents residing in the area of the slide.
- Regular Business:**
1. Stillwater Mining Company (SMC) - John Beaudry, Public Affairs Manager, explained this is an annual allocation form which is part of the East Boulder Impact Plan which the Stillwater Mine committed in the 1990's to do this and have each year since. He said since Stillwater County is listed as a potentially affected unit of local government, the county qualifies in sharing in the Metal Mines License Tax Allocation. He said most of the employees from East Boulder live in Sweet Grass or Park Counties, so they end up with the lions share of it, plus all of the impact payments that were made when that mine was developed, were in Sweet Grass County. That automatically gives Sweet Grass fifty- percent of that allocation. The remaining fifty-percent is then split up based on where employees and contractors reside. That is the general formula based on the Hard Rock Boards rules and embodied in the mutually agreed upon impact plan.

Stillwater County's percent this year is up from last year. Beaudry said last year it was 4.3% and this year it is 5.9% . There are two payments during the year, one occurs in the spring and one in the fall. The County Commissioners have the choice to put it all away in the Trust or just a portion away. The law requires a minimum of 37 ½ % in the Hard Rock Trust and then the Commissioners have the option of allocating the remaining three ways, he said. One third goes to the affected elementary schools; one third to the affected high schools; and one third to planning and economic development. If the commission chooses to allocate it out, that is how by law it is to be distributed. After the counties and the company agree on this allocation, it gets sent to the Hard Rock Board. They then review it in their meeting, and from there it goes to the Department of Revenue. Once the mine pays their metal mines tax, then the DOR allocates it according to this percentage, Beaudry explained.

Following discussion, Commissioner Davey **MOVED** to approve the 2016 MMLT Revenue to Eligible Counties Allocation Form as presented and acknowledge the Impact Monitoring Report 2015, and Tax Base Sharing Report 2016 submitted by Stillwater Mining Company. Commissioner Dell **SECONDED**. Motion passed unanimously.

2. Planning Department - Monica Plecker, CTA Contract Planner, submitted the following:
  - a. Preliminary Plat of Amended Plat No. 275043 - Ms. Plecker explained this 1 lot subdivision was created in 1994, and Tom Kelly, on behalf of Anderson Ranch submitted a preliminary plat application and materials for an amended plat. Though a 2-lot subdivision, this application and request must be processed as a major subdivision per Section 11.D.6 of the Subdivision Regulations, Plecker said. The planning board has recommended conditional approval. Monica Plecker then read the staff report and the five conditions of approval. She answered questions regarding the legal and physical access. Commissioner Davey asked why the subdivision was given a number instead of a name. John Beaudry, who was employed by Stillwater County and worked in the planning office at that time, said it probably started out as a certificate of survey, his best guess. Commissioner Davey **MOVED** to conditionally approve Amended Plat No. 275043, with the conditions recommended by the planning board and planning staff. Commissioner Dell **SECONDED**. Motion passed unanimously.
  - b. Professional Services Agreement for additional planning services - Ms. Plecker explained the agreement came as a result of

the on going discussion with the county and the city to update some of the planning tools not only in the county, but particular focus on the extra territorial area around the city of Columbus. This agreement is for shared cost between the city and the county. She estimated the work identified ie. assist the city with an annexation policy, amending subdivision regulations, and other tools. It is estimated the county share \$10,000 and the city share would be \$15,000. The City Council reviewed and voted to approve the agreement. They understand these activities are going to occur, Plecker said, and those are costs they will need to participate in. The commission reviewed the scope of services and Monica said she would be the lead person on the project.

Commissioner Dell **MOVED** to approve the Professional Services Agreement for additional planning services with CTA Group. Commissioner Davey **SECONDED**. Motion passed unanimously.

3. Absarokee RSID Sewer Waste Water Project - Commissioner Resolutions for adoption
  - a. Commissioner Dell **MOVED** to adopt **Resolution 2016-15** to authorize the submission of an DNRC-RRGL Grant application. Commissioner Davey **SECONDED**. Motion passed unanimously. Document #365192, filed in the Clerks office.
  - b. Commissioner Davey **MOVED** to adopt **Resolution 2016-16** to adopt a detailed preliminary engineering report. Commissioner Dell **SECONDED**. Motion passed unanimously. Document #365193, filed in the Clerks office.
  - c. Commissioner Dell **MOVED** to adopt **Resolution 2016-17** accepting the findings of the Environmental Assessment. Commissioner Davey **SECONDED**. Motion passed unanimously. Document #365194, filed in the Clerks office .

#### **Consent Agenda**

1. Board Appointments - Approval of the following appointments:
  - a. Compensation Board - Patricia Rozema (1-yr), JohnRutledge (2-yr); Karen Jones (3-yr)
  - b. Tax Appeal Board - Karen Jones (3-yr)
  - c. DUI Task Force - Bill Morse (2-yr)
2. West Rosebud Creek Road Reconstruction - Reimbursable Utility Relocation Agreement

#### **File Items**

1. BLM - Extension for comment period on Proposed Land-use Planning Rule
2. Victim Witness Program - 3<sup>rd</sup> Quarter
3. Beartooth Ranger District - Letter supporting Stillwater Mining Company's Iron Creek and West Fork Exploration Plan of

Operations

4. National Day of Prayer notification for May 5, 2016, at 12 noon, front steps of courthouse.

Commissioner Davey **MOVED** to approve the consent agenda and place the file items to file. Commissioner Dell **SECONDED**. Motion passed unanimously.

**Public Comments:** none heard.

**Meeting Adjourned:** Hearing no further comments, Commissioner Shupak adjourned the meeting at 9:32 A.M.